IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 931 of 2001

in

SPECIAL CIVIL APPLICATIONNo 13123 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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HARESH RASIKLAL JOSHI

Versus

MAIZE PRODUCTS

Appearance:

1. LETTERS PATENT APPEAL No. 931 of 2001

MR ANAND L SHARMA for Appellant No.

Mr Anshuman Mahapatra for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.P.BUCH

Date of decision: 12/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

The appellant is aggrieved by the judgment delivered in Special C.A. No.13123/2000 whereby the award passed by the Labour Court dated 30.12.1998 in Reference (LCA) No.1916/89 was upheld.

2. We have heard Mr A L Sharma, learned Advocate appearing for the appellant and Mr Anshuman Mahapatra, learned Advocate appearing for the respondent on caveat.

3. It has been submitted by the learned Advocate appearing for the appellant that services of the appellant should not have been terminated without holding any enquiry. Upon perusal of the record, it is very clear that the appellant had not completed 240 days as daily wager and the said fact could not be disputed by the learned Advocate. In the circumstances, he is unable to show how the appellant has got right to continue in service.

4. Looking to the fact that the appellant daily wager had worked only for 210 days as per the record, in our opinion, the appellant had no right to continue as a daily wager. The appeal is, therefore, dismissed with no order as to costs.

12.9.2001 [A R Dave, J.]

[D P Buch, J.]

msp